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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,923	01/14/2002	Kevin F. Baron		9224

7590

10/16/2003

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EXAMINER

PRONE, JASON D

ART UNIT PAPER NUMBER

3724

DATE MAILED: 10/16/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

10/043,923

Applicant(s)

BARON, KEVIN F.

Examiner

Jason Prone

Art Unit

3724

-- The MAILING DATE of this c mmunication appears on the cover sh et with th correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 is/are allowed.
- 6) ☒ Claim(s) 2,6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 2, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO/99/56904 in view of Bordwell. WO/99/56904 discloses the invention including a circular shaped body (S) having a circular hole (10) and a continuous peripheral edge (Fig. 3), that the continuous peripheral edge is adapted to have cutting segments mounted thereon (Fig. 3), a plurality of slits (15) formed within the body located directly adjacent to the hole (Fig. 3), that the slit define a generally circular configuration surrounding the hole (15), that the slits form a circular ring (14) integrally connected to the body by a plurality of solid tabs/frangible connections (12a), that the circular ring can be removed from the body by breaking the tabs thereby increasing the size of the center hole to permit the mounting of the body on a larger sized arbor (Fig. 3), that the frangible connections have a base located closest to the hole and a radially outward portion located further from the center hole (Fig. 3), and that there are three tabs (12a) but fails to disclose that each slit has ends which define radially outward extensions with there being a tab integrally formed with the body being between extensions of adjacent slits and that the breaking of the frangible connection occurs at the radially outward portion with no portion of the material that remains connecting with the hole. Bordwell

teaches slits that have ends which define radially outward extensions with there being a tab integrally formed with the body being between extensions of adjacent slits (50 and 52) and that the breaking of the frangible connection occurs at the radially outward portion with no portion of the material that remains connecting with the hole (Fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the slits and frangible connection, as taught by Bordwell, to prevent the tab remains from interfering with the hole

Allowable Subject Matter

3. Claim 3 is allowed.
4. The indicated allowability of claims 2, 6, and 7 is withdrawn in view of the newly discovered reference(s) to Bordwell. Rejections based on the newly cited reference(s) are disclosed above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gehrs et al., Jorgensen, Sharp, Hill, Sierra, Jr., Mader, Noll, Kingdon, Sundstrom, and Pistritto et al.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

A handwritten signature, possibly reading 'JP', consisting of two large, overlapping loops.

JP
October 8, 2003

A handwritten signature, possibly reading 'Allan N. Shoap', consisting of a series of connected, slanted strokes.

Allan N. Shoap
Supervisory Patent Examiner
Group 3700